

Wetlands Applications Decision Report

Decisions Taken
02/20/2017 to 02/26/2017

Approved
2/28/17
MAT

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

Any party aggrieved by a decision may file an appeal within 30 days of the date of this decision as specified in RSA 482-A:10, RSA 21-O:14, and the rules adopted by the Wetlands Council, Env-WtC 100-200.

The appeal must be filed directly with the Council, c/o the Council Appeals Clerk, who may be contacted at (603) 271-6072 or atappeals@des.nh.gov. The notice of appeal must set forth fully every ground upon which it is claimed that the decision complained of is unlawful or unreasonable. Only those grounds set forth in the notice of appeal can be considered by the council.

MAJOR IMPACT PROJECT

2012-00668

PERRY STREAM LAND AND TIMBER CO INC

PITTSBURG MOOSE POND BROOK

Requested Action:

Request permit time extension.

Conservation Commission/Staff Comments:

The NH Natural Heritage Bureau ("NHB") commented that "It was determined that, although there was a NHB record (e.g., rare wildlife, plant, and/or natural community) present in the vicinity, we do not expect that it will be impacted by the proposed project".

APPROVE TIME EXTENSION

Dredge and fill 224 square feet within palustrine scrub-shrub wetland to construct a commercial drinking water/bottling plant with associated roadways and parking; impact 1,838 square feet of scrub-shrub wetland in a man-made depression to re-configure existing gravel roadways and to restore an existing boat launch and vegetated buffer along Moose Pond; and dredge and fill 450 square feet (impacting 144 linear feet) within 2 perennial streams to replace and upgrade existing culverts that provide access to the borehole water source. In addition, 215 square feet of temporary construction impact within the 2 perennial streams is necessary to install the proposed culvert upgrades. Finally, as part of the water withdrawal permitting, the applicant is proposing to install a weir and stream gauge on an existing culvert on Indian Stream Road within the Moose Pond Brook drainage.

With Conditions:

1. All work shall be in accordance with plans by Fluet Engineering Associates dated March 9, 2012, as received by the NH Department of Environmental Services (DES) on March 22, 2012.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit is contingent on approval by the DES Alteration of Terrain Bureau.
4. Prior to construction of the proposed stream gauge on Indian Stream Road, the applicant shall obtain written permission from the affected landowner (NH Dept. of Resources & Economic Development), and the applicant shall coordinate with the NH Fish & Game Dept. to ensure that the attached culvert weir and stream gauge do not further restrict fish passage, sediment transport characteristics, and hydraulic capacity.
5. The final stream gauge proposal on Indian Stream Road shall be reviewed and approved by the DES Drinking Water & Groundwater Bureau and DES Wetlands Bureau.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. All stream work shall be done during low flow conditions.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be

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stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

14. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

15. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. The owner, authorized agent or applicant certifies that this permit qualifies for a permit extension in accordance with RSA 482-A:3, XIV-a, and Env-Wt 502.01.

2. This permit has been extended in accordance with RSA 482-A:3, XIV-a and Env-Wt 502.01.

2016-03357

PUBLIC SERVICE COMPANY OF NH

GOFFSTOWN GORHAM BROOK

Requested Action:

Temporarily impact 15,616 square feet (SF) of palustrine scrub-shrub wetland, 11,142 SF of palustrine emergent wetland, 8,312 SF of palustrine emergent and scrub-shrub wetland that is designated as Prime Wetland, and 79 SF of vernal pool to rebuild a 2.7 mile utility distribution line within an existing right of way in Weare and Goffstown. Mitigation is proposed the form of a one-time payment into the Aquatic Resource Mitigation (ARM) Fund of \$86,150.70.

Conservation Commission/Staff Comments:

in conjunction with 2016-03357

2/24/17 As per DHR, additional info needed in order to complete review.

APPROVE PERMIT

Temporarily impact 15,616 square feet (SF) of palustrine scrub-shrub wetland, 11,142 SF of palustrine emergent wetland, 8,312 SF of palustrine emergent and scrub-shrub wetland that is designated as Prime Wetland, and 79 SF of vernal pool to rebuild a 2.7 mile utility distribution line within an existing right of way in Weare and Goffstown. Compensatory mitigation to satisfy the Army Corps of Engineers requirements involves a mitigation payment of \$86,150.70 to be used for projects in the Merrimack River watershed as defined by the Aquatic Resource Mitigation (ARM) Fund program.

With Conditions:

1. All work shall be in accordance with plans by VHB dated November 21, 2017, and revised through January 09, 2017 last received by the NH Department of Environmental Services (DES) on January 12, 2017.
2. No person undertaking any activity shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards in RSA 485-A and New Hampshire Administrative Rule Env-Wq 1700.
3. Prior to starting any work authorized by this permit, the permittee shall place orange construction fencing at the limits of construction to prevent unintentional encroachment on wetlands.
4. Work shall be done during low flow and in the dry only.
5. A certified wetlands scientist or qualified professional, as applicable, shall monitor the project during construction to verify that all work is done in accordance with the approved plans and narratives, adequate siltation and erosion controls are properly implemented, no water quality violations occur and all recommendations of New Hampshire Fish and Game Department (NHFG) and the Natural Heritage Bureau (NHB) are followed regarding the threatened and endangered species identified during the project review. A follow-up report including photographs of all stages of construction shall be submitted to the DES Wetlands Program within 60 days of final site stabilization.
6. Prior to commencing work, the permittee/permittees contractor shall educate all on-site personnel of the potential to encounter and protected status of the eastern hognose snake and the black racer, per NHFG recommendations.
7. If either the eastern hognose or black racer snakes are encountered, work must cease immediately and the permittee/permittees contractor shall contact Mike Marchand of NHFG for further instruction at (603)-271-3016, per NHFG recommendations.
8. Potential Blandings and spotted turtle hibernation areas shall be avoided to the maximum extent practicable, per NHFG recommendations.

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9. The permittee/permittee's contractor shall minimize the use of erosion control netting to the maximum extent practicable and, where necessary, use only wildlife friendly erosion control netting, not to include materials comprised of welded plastic, per NHFG recommendations.
 10. Slash generated from clearing of the right of way shall be left near rock fill or outcrop areas, to the extent practicable, to provide habitat for threatened and endangered snake species, per NHFG recommendations.
 11. No person shall collect, transport, import, export, move, buy, sell, distribute, propagate or transplant any living and viable portion of any plant, which includes all of their cultivars and varieties listed in Table 3800.1 of the New Hampshire prohibited invasive species list (Agr 3802.01).
 12. Prior to the installation of swamp mats, the mats shall be inspected for and cleaned of all vegetative matter.
 13. Construction equipment shall have specialized low-ground-pressure tracks that impact less than four (4) pounds per square inch when loaded, or the permittee shall use timber or plywood mats beneath machines when driving over wetland areas.
 14. Seed mix used for restoration of the temporary impact area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers' specifications.
 15. Appropriate siltation, erosion and turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.
 16. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
 17. All dredged and excavated material and construction-related debris shall be placed outside of the areas subject to RSA 482-A. Any spoil material deposited within 250 feet of any surface water shall comply with RSA-483-B.
 18. The contractor responsible for completion of the work shall use techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
 19. Erosion control products shall be installed per manufacturers recommended specifications.
 20. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering surface waters or wetlands or operating in an area where such fluids could reach groundwater, surface waters, or wetlands.
 21. The permittee's contractor shall maintain appropriate oil/diesel fuel spill kits on site that are readily accessible at all times during construction, and shall train each operator in the use of the kits.
 22. All refueling of equipment shall occur outside of surface waters or wetlands during construction. Machinery shall be staged and refueled in upland areas only.
 23. Faulty equipment shall be repaired immediately prior to entering areas that are subject to RSA 482-A jurisdiction.
 24. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tackifiers on slopes less than 3:1 or netting and pinning on slopes steeper than 3:1.
 25. Where construction activities occur between November 30 and May 1, all exposed soil areas shall be stabilized within 1 day of establishing the grade that is final or that otherwise will exist for more than 5 days. Stabilization shall include placing 3 -inches of base course gravels, or loaming and mulching with tack or netting and pinning on slopes steeper than 3:1.
- Mitigation:
26. This approval is not valid until the permittee provides the mitigation payment of \$86,150.70 for projects in the Merrimack River watershed. The applicant shall provide payment within 120 days of the date of this approval letter or DES will deny the application.

With Findings:

1. This is a Major Project per Administrative Rule Env-Wt 303.02(c), alteration of nontidal wetlands in excess of 20,000 square feet.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. In correspondence received by DES on January 12, 2017 the applicant stated that the project will result in a 23% reduction in the total number poles along the subject ROW, it will removal all existing poles located within wetlands and the project will result in no permanent wetland impacts.
5. The project will result in 79 square feet of direct temporary impacts to vernal pools.
6. In correspondence received by DES on January 12, 2017 the applicant stated that the project will involve four crossings of three perennial streams. Streams will be bridged using timber mats, resulting in no impacts to the bed or banks.
7. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
8. In accordance with RSA 482-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the palustrine resource, as identified under RSA 482-A:1.
9. In the project narrative, last received by DES on January 12, 2017, the applicant stated that the project was presented to the Conservation Commissions of both Weare and Goffstown on October 12, 2017 and October 26, 2017, respectively.

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Neither Conservation Commission issued any concerns with the proposed project.

10. Similarly, coordination was completed with each Weare and Goffstown Planning Boards and Zoning boards with regard to local permitting requirements.

11. The project will include 26,942 SF of temporary impact and 28 SF of permanent impact to uplands adjacent to prime wetlands.

12. When discounting impacts to uplands adjacent to Prime Wetlands, the total impact area is less than one acre; which, alone, would qualify the project as Minimum Impact under the Utility Maintenance Notification, including any portion located in or adjacent to a prime wetland, in accordance with RSA482-A:3,XV(a).

13. At the western margin of the project area, in the town of Weare, impacts will occur within 0.25 miles of the Designated Piscataquog River. The Piscataquog River Local Advisory Committee was properly notified in accordance with RSA 482-A:3,I(d)(2).

14. In correspondence received by DES on January 12, 2017 the applicant stated that several invasive plant species were identified along the right of way, though not found to be dominant in any only location. This permit is conditioned to limit the introduction and spread of invasive species.

15. Results of the Natural Heritage Bureau (NHB) report submitted with the application package (NHB16-1411) included: Blandings Turtle (state endangered), Eastern Hognose Snake (state endangered) and Spotted Turtle (state threatened). Further, NHFG identified the potential to encounter the Black Racer Snake.

16. Recommendations were provided by NHFG regarding avoidance, minimization, education and protocol in the event of an encounter of either of the threatened or endangered species.

17. NHFG also recommended that poles removed from the utility line be left in place to provide habitat for the endangered snake species.

18. A meeting was held at DES on January 12, 2017, at which DES suggested the use of slash (in lieu of removed utility poles) from clearing of the ROW to provide habitat for threatened or endangered species of snakes.

19. No comments of concern were received by DES from local governing organizations.

20. The applicant has reviewed on-site options for mitigation and the department has determined that this project is acceptable for payment to the Aquatic Resource Mitigation (ARM) Fund and for projects in the Merrimack River watershed.

21. The payment calculated for the proposed wetland loss to satisfy the Army Corps of Engineers requirements for temporary and secondary impacts equals \$86,150.70.

22. The mitigation described above also accounts for all secondary wetland impacts (e.g. clearing upland buffer adjacent to wetlands), as determined and required by the Army Corps of Engineers.

23. The Department decision is issued in letter form and upon receipt of the mitigation payment, the Department shall issue a posting permit in accordance with Env-Wt 803.08(f).

MINOR IMPACT PROJECT

2016-03259

PEAL, MARTIN
BURNS, JILL

LACONIA LAKE WINNIPESAUKEE

Requested Action:

Remove 6 tie-off pilings and 2.4 square feet from the end of an existing docking structure, repair the the remaining 5 ft. 11 in. x 31 ft. 9 in. piling pier extending from an existing 25 ft. 11 in. x 20 ft. platform accessed by a 5 ft. 11 in. x 81 ft. piling pier and 5 ft. 11 in. x 11 ft. 6 in. walkway in-kind, repair three 3-piling ice clusters, drive 4 piling, and install two permanent boatlifts, two 14 ft. x 30 ft. seasonal canopies, and two personal watercraft lifts on an average of 150 ft. of frontage along Lake Winnepesaukee in Laconia.

APPROVE PERMIT

Remove 6 tie-off pilings and 2.4 square feet from the end of an existing docking structure, repair the the remaining 5 ft. 11 in. x 31 ft. 9 in. piling pier extending from an existing 25 ft. 11 in. x 20 ft. platform accessed by a 5 ft. 11 in. x 81 ft. piling pier and 5 ft. 11 in. x 11 ft. 6 in. walkway in-kind, repair three 3-piling ice clusters, drive 4 piling, and install two permanent boatlifts, two 14 ft. x 30 ft. seasonal canopies, and two personal watercraft lifts on an average of 150 ft. of frontage along Lake Winnepesaukee in Laconia.

With Conditions:

1. All work shall be in accordance with plans by G. Walker Magrauth dated October 22, 2016, as received by DES on November 28, 2016.
2. This permit is not valid and effective until it has been recorded with the appropriate county Registry of Deeds by the applicant. Prior to starting work under this permit, the permittee shall submit a copy of the recorded permit to the DES Wetlands Program by certified mail, return receipt requested.
3. All development activities associated with this project shall be conducted in compliance with applicable requirements of RSA 483-B and N.H. Code of Administrative Rules Env-Wq 1400 during and after construction.
4. Work shall be carried out in a time and manner to avoid disturbances to migratory waterfowl breeding and nesting areas.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
6. Any subdivision of the property frontage will require removal of a sufficient portion of the docking structures to comply with the dock size and density requirements in effect at the time of the subdivision.
7. Only those structures shown on the approved plans shall be installed or constructed along this frontage.
8. Pilings shall be spaced a minimum of 12 ft. apart as measured piling center to piling center.
9. All seasonal structures, including watercraft lifts, shall be removed for the non-boating season.
10. The canopy, including the support frame and cover, shall be designed and constructed to be readily removed at the end of the boating season and the flexible canopy shall be removed for the non-boating season.
11. The repairs shall maintain the size, location, and configuration of the pre-existing structures.
12. All construction-related debris shall be placed outside of areas subject to RSA 482-A jurisdiction.
13. This permit does not allow dredging for any purpose.
14. The permittee may make repairs to the permitted structures as necessary, prior to the permit expiration date, provided that prior to performing any repair the permittee notifies the DES Wetlands Program and the Conservation Commission, in writing, of the proposed start and completion dates

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), alteration of permanent pier providing fewer than 5 slips.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The proposed modifications shall not result in an increase in the number of slips provided on the frontage.

2016-03395

LITTLE FAMILY 2007 REVOCABLE TRUST

MEREDITH LAKE WINNIPESAUKEE

Requested Action:

Permanently remove a 4 ft. x 40 ft. seasonal pier and install two 4 ft. x 7 ft. concrete pads and two 6 ft. x 40 ft. seasonal piers connected by a 6 ft. x 12 ft. walkway in a "U" configuration, a 14 ft. x 30 ft. seasonal canopy, seasonal boatlift, and two seasonal personal watercraft lifts on an average of 210 ft. of frontage along Lake Winnepesaukee on Bear Island, in Meredith.

Conservation Commission/Staff Comments:

2/16/17 As per DHR, no historic properties affected.

APPROVE PERMIT

Permanently remove a 4 ft. x 40 ft. seasonal pier and install two 4 ft. x 7 ft. concrete pads and two 6 ft. x 40 ft. seasonal piers connected by a 6 ft. x 12 ft. walkway in a "U" configuration, a 14 ft. x 30 ft. seasonal canopy, seasonal boatlift, and two seasonal personal watercraft lifts on an average of 210 ft. of frontage along Lake Winnepesaukee on Bear Island, in Meredith.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated October 25, 2016 and received by DES on December 5, 2016.
2. This permit is not valid and effective until it has been recorded with the appropriate county Registry of Deeds by the applicant. Prior to starting work under this permit, the permittee shall submit a copy of the recorded permit to the DES Wetlands Program by certified mail, return receipt requested.
3. All development activities associated with this project shall be conducted in compliance with applicable requirements of RSA 483-B and N.H. Code of Administrative Rules Env-Wq 1400 during and after construction.
4. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
6. All excavated material and construction-related debris shall be placed outside of the areas subject to RSA 482-A. Any spoil material deposited within 250 feet of any surface water shall comply with RSA-483-B.
7. Any subdivision of the property frontage will require removal of a sufficient portion of the docking structures to comply with the dock size and density requirements in effect at the time of the subdivision.
8. Only those structures shown on the approved plans shall be installed or constructed along this frontage. All portions of the structures shall be at least 20 ft. from the abutting property lines or the imaginary extension of those lines into the water.
9. No portion of the docking structures shall extend more than 40 ft. from the shoreline at full lake elevation (Elev. 504.32).
10. All seasonal structures, including watercraft lifts, shall be removed for the non-boating season.
11. The canopy, including the support frame and cover, shall be designed and constructed to be readily removed at the end of the boating season and the flexible canopy shall be removed for the non-boating season.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of a docking facility providing 3 slips.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has an average of 210 ft. of shoreline frontage along Lake Winnepesaukee.
6. A maximum of 6 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
7. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

MINIMUM IMPACT PROJECT

2016-01141

MOORE, MARK

WOLFEBORO LAKE WINNIPESAUKEE

Requested Action:

Impact 1,063 sq. ft. of bank in order to construct a 270 sq. ft. perched beach and stabilize a failed slope on 101 ft. of shoreline frontage along Lake Winnepesaukee, in Wolfeboro.

Conservation Commission/Staff Comments:

5/5/16 - No historic properties affected per DHR.

DENY PERMIT

Impact 1,063 sq. ft. of bank in order to construct a 270 sq. ft. perched beach and stabilize a failed slope on 101 ft. of shoreline frontage along Lake Winnepesaukee, in Wolfeboro.

With Findings:

Standards for Approval

1. This is a minor impact project per Rule Env-Wt 303.03(k), projects that disturb between 50 and 200 linear ft., measured along the shoreline, of a lake or pond or its bank.
2. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in and adjacent to any waters of the state without a permit from the department."
3. In accordance with RSA 483-B:3, Consistency Required, I, "[a]ll state agencies shall perform their responsibilities in a manner consistent with the intent of this chapter. State and local permits for work within the protected shorelands shall be issued only when consistent with the policies of this chapter."
4. In accordance with RSA 483-B:1, Purpose, "I. [t]he shorelands of the state are among its most valuable and fragile natural resources" and "II. [t]he public waters of New Hampshire are valuable resources held in trust by the state. The state has an interest in protecting those waters and has the jurisdiction to control the use of the public waters and the adjacent shoreland for the greatest public benefit."
5. In accordance with RSA 483-B:2, Minimum Standards Required, "[t]he development standards provided in this chapter shall be the minimum standards necessary to:" "II. Provide for the wise utilization of water and related land resources," "V. Protect buildings and lands from flooding and accelerated erosion," and "IX. Control building sites, placement of structures, and land uses that may potentially damage the public waters."
6. In accordance with RSA 483-B:17, IV, Rulemaking, the commissioner shall adopt rules regulating the "[p]rocedures and criteria for the placement of small accessory structures such as storage sheds and gazebos, the size, placement, and construction of which is consistent with the intent of this chapter."
7. In accordance with RSA 483-B:6, I, (b), Prior Approval; Permits, any person intending to "[c]onstruct a water dependent structure, alter the bank, or construct or replenish a beach shall obtain approval and all necessary permits pursuant to RSA 482-A."
8. In accordance with RSA 483-B:9, II, (c), Minimum Shoreland Protection Standards, "[a] water dependent structure, meaning one which is a dock, wharf, pier, breakwater, or other similar structure, or any part thereof, built over, on, or in the waters of the state, shall be constructed only as approved by the department, pursuant to RSA 482-A."
9. In accordance with RSA 483-B:6, II, Prior Approval; Permits, "[i]n applying for these approvals and permits, such persons shall demonstrate to the satisfaction of the department that the proposal meets or exceeds the development standards of this chapter."
10. In accordance with RSA 483-B:4, Definitions, II, "[a]ccessory structure" means a structure, as defined in paragraph XXII of this section, on the same lot and customarily incidental and subordinate to the primary structure, as defined in paragraph XIV of this section; or a use, including but not limited to paths, driveways, patios, any other improved surface, pump houses, gazebos, woodsheds, garages, or other outbuildings.
11. In accordance with RSA 483-B:4, Definitions, XIV, "[p]rimary structure" means a structure as defined in paragraph XXII of this section that is central to the fundamental use of the property and is not accessory to the use of another structure on the same premises.
12. In accordance with RSA 483-B:4, Definitions, XXII, "[s]tructure" means anything constructed or erected for the support, shelter or enclosure of persons, animals, goods, or property of any kind, with a fixed permanent location on or in the ground, exclusive of fences.
13. In accordance with RSA 483-B:4, Definitions, XXVI, "[w]ater dependent structure" means a structure that is a dock, wharf, pier, breakwater, beach, boathouse, retaining wall, or launching ramp or other similar structure, or any part thereof, built over, on, or in the waters of the state.
14. In accordance with RSA 483-B:9, Minimum Shoreland Protection Standards, V, (a), (2), (D), the area adjacent to the reference line of a waterbody shall be divided into segments measuring 50 ft. along the shoreline and 50 ft. inland from the reference line. The laying out of these segments shall begin at the north or east property line of the frontage. Within each 50 ft. by 50 ft. segment a tree and sapling score of at least 50 points shall be maintained.
15. Pursuant to Rule Env-Wq 1405.05, Slope Limitation for Accessory Structures, no accessory structure shall be built on or into land having greater than 25% slope.
16. Pursuant to Rule Env-Wt 302.03, Avoidance, Minimization, and Mitigation applicants shall provide evidence which demonstrates that their proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction.
17. Pursuant to Rule Env-Wt 302.04, Requirements for Application Evaluation, (a), (2), applicants shall demonstrate by plan

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and example that alternative proposed by the applicant is the one with the least impact to wetlands or surface waters on site.

18. Pursuant to Rule Env-Wt 302.04, Requirements for Application Evaluation, (a), (14) applicants shall demonstrate by plan and example the potential of a proposed project to cause or increase flooding, erosion, or sedimentation.

19. Pursuant to Rule Env-Wt 302.04, Requirements for Application Evaluation, (a), (16), applicants shall demonstrate by plan and example the cumulative impact that would result if all parties owning or abutting a portion of the affected wetland or wetland complex were also permitted alterations to the wetland proportional to the extent of their property rights.

20. According to Rule Env-Wt 302.04, Requirements for Application Evaluation, (d), the department shall not grant a permit if the applicant fails to document that the proposed alternative is the one with the least adverse impact to areas and environments under the department's jurisdiction.

Findings of Fact

1. The Department received a completed Wetlands Application on July 11, 2016, to construct a 450 sq. ft. perched beach and stabilize an existing failed slope on property identified as Lot 07 on Wolfeboro Tax Map 213 having 101 ft. of shoreline frontage along Lake Winnepesaukee.
2. On September 9, 2016, the Department issued a Request for More Information letter to the Applicant that explained the slope limitations outlined in Rule Env-Wq 1405.05 and requested, among other items, revised plans that showed the repair of the failed slope but that did not include the proposed perched beach which would impact slopes greater than 25%.
3. The Letter issued on September 9, 2016, also requested the Applicant submit plans showing the frontage meets the criteria for vegetation as established in RSA 483-B:9, V, (a), (2), (D).
4. The Applicant requested, and the department granted, an extension of the time to respond to the September 9, 2016, Request for More Information letter, until January 7, 2017.
5. The applicant submitted a response to the Request for More Information letter on January 24, 2017. The response included revised plans reducing size of the beach proposed adjacent to the area of slope stabilization to 270 sq. ft.
6. The plans indicate that the proposed perched beach will impact slopes between 57% and 66%.
7. The response included a narrative in which the Applicant argued that the "water dependent structures," are separate and unrelated to "accessory structures."
8. The Applicant argues that because the proposed beach is a "water dependent structure," the requirements of Rule Env-Wq 1405.05 should not be applied to its review.
9. The Applicant argues that because RSA 483-B:4, XXVI includes beach in the definition of "water dependent structure" and RSA 483-B:6, I, (b), states only that any person intending to construct a water dependent structure or construct or replenish a beach shall obtain approval and all necessary permits pursuant to RSA 482-A, without also referencing RSA 483-B, such projects shall not be required to meet the requirements of RSA 483-B.
10. The proposed perched beach would be constructed for the support of persons, goods, or property and have a fixed permanent location on or in the ground and, therefore, is a structure pursuant to RSA 483-B:4, XXII.
11. The proposed structure is intended for recreational use by the resident(s) of the property and is therefore incidental and subordinate to the primary residential use of the property and is by definition an accessory structure.
12. There is no language in RSA 483-B specifically exempting those accessory structures, which are water dependent, from the requirements developed under RSA 483-B:17. Furthermore RSA 483-B:3 requires the Wetlands Bureau to maintain consistency with the intent and policies of RSA 483-B in its application of RSA 482-A.
13. Both RSA 483-B:4, XXVI and RSA 483-B:9, II, (c), specifically identify water dependent structures as those structures which are constructed "over, on or in the waters of the state" for permitting pursuant RSA 482-A. This section refers only to structures that are located lakeward of the reference line and not within the protected shoreland where the minimum standards developed under RSA 483-B would apply.
14. The proposed beach is located landward of the reference line and within the protected shorelands subject to RSA 483-B.
15. The Applicant addressed Rule Env-Wt 302.04, (a), (16), by stating that "[t]his property contains no wetlands and the question is not applicable to this submission."

Rulings in Support of Denial

1. A permit is required for the construction of this structure per RSA 482-A and in accordance with RSA 483-B:3 such permit shall only be issued where the project complies with the intent and policies of RSA 483-B.
2. Water dependent structures are accessory structures and those accessory structures located between the reference line and the primary building line are subject to the rules developed under RSA 483-B:17.
3. Rule Env-Ws 1405.05 prohibits construction of accessory structures, whether water dependent or otherwise, in or on slopes greater than 25%.
4. The applicant has failed to demonstrate by plan and example the potential of the proposed perched beach to cause or increase erosion, or sedimentation as required per Rule Env-Wt 302.04, (a), (14).

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5. The applicant has failed to demonstrate by plan and example the cumulative impact that would result if all parties owning similarly steep shoreline frontages along Lake Winnepesaukee were also permitted to cut and fill the slope for the construction of perched beaches proportional to the extent of their property rights.

6. The applicant has failed to demonstrate to the satisfaction of the department that the proposal meets or exceeds the development standards of RSA 483-B as required per RSA 483-B:6, II. For this reason, RSA 483-B:3, I, prohibits the issuance of a permit under RSA 482-A.

7. The construction of a perched beach on this frontage will potentially have an adverse impact on the stability of the shoreline increasing the risk of erosion and water quality impacts and, therefore, is not consistent with RSA 483-B:2, II, V, and IX. For this reason, RSA 483-B:3, I, prohibits the issuance of a permit under RSA 482-A.

6. The applicant has failed to provide evidence which demonstrates that their proposal to construct a perched beach is the alternative with the least adverse impact to areas and environments under the department's jurisdiction as required pursuant to Rules Env-Wt 302.03 and Env-Wt 302.04, (a), (2). Therefore this application is denied in accordance with Rule Wt 302.04(d).

2016-02262

EL SAMAHY, RAMI
HUTZELL, KELLY

AMHERST BABOOSIC LAKE

Requested Action:

Applicant requests to retain impacts associated with the replacement of 36 linear feet of concrete block retaining wall with 36 linear feet of stone retaining wall on an average of 223 feet of frontage along Baboosic Lake in Amherst.

APPROVE AFTER THE FACT

Applicant requests to retain impacts associated with the replacement of 36 linear feet of concrete block retaining wall with 36 linear feet of stone retaining wall on an average of 223 feet of frontage along Baboosic Lake in Amherst.

With Conditions:

1. All structures shall remain as shown on plans by Kelly Hutzell dated September 10, 2016, as received by DES on November 28, 2016.
2. Any additional work with the jurisdiction of the Wetlands Bureau will require additional permitting completed in accordance with RSA 482-A and Administrative Rules Chapters Env-Wt 100 - 900.
3. All future activities shall be conducted in compliance with applicable requirements of RSA 483-B and N.H. Code of Administrative Rules Env-Wq 1400.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c), repair of a retaining wall conducted in the dry with no change in the size, location, or configuration of the structure.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2017-00319

HILDRETH JR, BETH/NORMAN

DOVER COCHECO RIVER

Requested Action:

Proposal to impact 490 sq. ft. of previously developed upland tidal buffer zone to construct an addition to an existing dwelling.

APPROVE PERMIT

Impact 490 sq. ft. of previously developed upland tidal buffer zone to construct an addition to an existing dwelling.

With Conditions:

1. All work shall be in accordance with plans by McEneaney Survey Associates, Inc. dated December 12, 2016 as received by the NH Department of Environmental Services (DES) on January 27, 2017.
2. All work shall be in accordance with Shoreland Permit by Notification #2017-00320.
3. This permit does not authorize the removal of trees or saplings within the waterfront buffer that would result in a tree and sapling point score below the minimum required per RSA 483-B:9, V, (a)(2)(D)(iv).
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands/Shoreland Bureau will require further permitting by the Bureau.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering jurisdictional areas.
11. Faulty equipment shall be repaired prior to entering jurisdictional areas.
12. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(b), projects in previously developed uplands within 100 feet of the highest observable tide line which are not major or minor pursuant to Env-Wt 303.02 or 303.03, respectively.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. All of the impacts occur landward of the highest observable tide line and within the previously developed upland tidal buffer zone.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b)(d) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant is proposing removal and replacement of an existing deck. Construction of the deck, to be located within 100 ft. of highest observable tideline, is exempt from wetlands permitting under Env-Wt 303.05(i). Construction of the deck is regulated by RSA 483-B:5-b, I(a) and a shoreland permit, Shoreland Permit #2017-00320, was obtain by the applicant.
6. The NH Natural Heritage Bureau ("NHB") has record of a sensitive species present within the vicinity of the project area, but NHB does not expect impacts to the species by the project.
7. The Dover Conservation Commission did not submit comments on the application to DES.

EXPEDITED MINIMUM

2017-00067

MCLEAN, LEEMICHAEL

ALTON LAKE WINNIPESAUKEE

Requested Action:

Replace 5 tie-off piling and two 3-piling ice clusters adjacent to an existing 8 ft. x 71 ft. crib pier on an average of 284 ft of frontage along Lake Winnepesaukee in Alton.

APPROVE PERMIT

Replace 5 tie-off piling and two 3-piling ice clusters adjacent to an existing 8 ft. x 71 ft. crib pier on an average of 284 ft of frontage along Lake Winnepesaukee in Alton.

With Conditions:

1. All work shall be in accordance with plans received by DES on January 12, 2017.
2. Any repairs to the existing 8 ft. x 71 ft. crib pier shall require the submission of a new and separate application to the Wetlands Bureau.
3. This permit is not valid and effective until it has been recorded with the appropriate county Registry of Deeds by the applicant. Prior to starting work under this permit, the permittee shall submit a copy of the recorded permit to the DES Wetlands Program by certified mail, return receipt requested.
4. All development activities associated with this project shall be conducted in compliance with applicable requirements of RSA 483-B and N.H. Code of Administrative Rules Env-Wq 1400 during and after construction.
5. Work shall be carried out in a time and manner to avoid disturbances to migratory waterfowl breeding and nesting areas.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
7. Only those structures shown on the approved plans shall be installed or constructed along this frontage. All portions of the structures shall be at least 20 ft. from the abutting property lines or the imaginary extension of those lines into the water.
8. The repairs shall maintain the size, location, and configuration of the pre-existing structures.
9. All construction-related debris shall be placed outside of areas subject to RSA 482-A jurisdiction.
10. This permit does not allow dredging for any purpose.
11. The permittee may make repairs to the permitted structures as necessary, prior to the permit expiration date, provided that prior to performing any repair the permittee notifies the DES Wetlands Program and the Conservation Commission, in writing, of the proposed start and completion dates

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04, (v), repair of existing docking structures in kind.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2017-00240

KENWESBICK LLC

MOULTONBOROUGH LAKE WINNIPESAUKEE

Requested Action:

Impact 700 square feet of bank along 26 linear feet of shoreline and remove 1 cubic yard of rock from 24 square feet of lakebed to construct a 15 ft. x 23 ft. two-tiered perched beach and replace the adjacent 4 ft. wide access to the water with 4 ft. wide access steps on an average of 102 ft. of frontage along lake Winnepesaukee, in Moultonborough.

Conservation Commission/Staff Comments:

2/16/17 as per DHR, no historic properties affected.

02/20/2017 to 02/26/2017

APPROVE PERMIT

Impact 700 square feet of bank along 26 linear feet of shoreline and remove 1 cubic yard of rock from 24 square feet of lakebed to construct a 15 ft. x 23 ft. two-tiered perched beach and replace the adjacent 4 ft. wide access to the water with 4 ft. wide access steps on an average of 102 ft. of frontage along lake Winnepesaukee, in Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates dated January 12, 2017 and received by DES on January 20, 2017.
2. All development activities associated with this project shall be conducted in compliance with applicable requirements of RSA 483-B and N.H. Code of Administrative Rules Env-Wq 1400 during and after construction.
3. This permit does not authorize the removal of trees or saplings within the waterfront buffer that would result in a tree and sapling point score below the minimum required per RSA 483-B:9, V, (a)(2)(D)(iv).
4. Work shall be carried out in a time and manner to avoid disturbances to migratory waterfowl breeding and nesting areas.
5. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
7. All dredged and excavated material and construction-related debris shall be placed outside of the areas subject to RSA 482-A. Any spoil material deposited within 250 feet of any surface water shall comply with RSA-483-B.
8. The contractor responsible for completion of the work shall use techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
9. Stone placed along the beach front for the purpose of retaining sand shall be placed above and landward of the existing retaining wall currently located along the normal high water line (Elevation 504.32). The rocks existing at the normal high water line shall remain undisturbed such that the natural shoreline remains visible and intact.
10. The steps installed for access to the water shall be located completely landward of the normal high water line.
11. No more than 10 cu. yd. of sand shall be used and all sand shall be located above the normal high water line.
12. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tackifiers on slopes less than 3:1 or netting and pinning on slopes steeper than 3:1.
14. A combination of trees, shrubs and ground covers representing the density and species diversity of the vegetation present prior to construction shall be replanted beginning at a distance no greater than 5 feet landward from the beach area.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(g), removal of less than 20 cubic yards of material from public waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant proposes to upgrade and utilize an existing access point to the the surface water. Because this access is pre-existing any impacts associated with its upgrade were not considered in the calculation of the slope impacted by the project.
6. The average slope through the area to be impacted by the proposed perched beach is approximately 20.3% and within the limits of Rule Env-Wq 1405.05, Slope Limitation For Accessory Structures.

2017-00292

WHEELIS, JOAN

WAKEFIELD BALCH POND

Requested Action:

Replace the concrete block foundation supporting a 12 ft. 5 in. x 18 ft. boathouse with a poured concrete foundation on an average of 375 ft. of frontage along Balch Lake in Wakefield.

APPROVE PERMIT

Replace the concrete block foundation supporting a 12 ft. 5 in. x 18 ft. boathouse with a poured concrete foundation on an average of 375 ft. of frontage along Balch Lake in Wakefield.

With Conditions:

1. All work shall be in accordance with plans by Fernstone Associates for the Natural Resources dated January 4, 2017 and received by DES on January 25, 2017.
2. No temporary impacts to the bank or bed of Balch Lake has been applied for or approved to facilitate the completion of this project. There shall be no impacts beyond the footprint of the boathouse to be repaired.
3. No work has been applied for or approved relative to the adjacent "L" shaped docking structure. There shall be no repair to portions of this structure located below the water line at the time of said repairs.
4. This permit is not valid and effective until it has been recorded with the appropriate county Registry of Deeds by the applicant. Prior to starting work under this permit, the permittee shall submit a copy of the recorded permit to the DES Wetlands Program by certified mail, return receipt requested.
5. All development activities associated with this project shall be conducted in compliance with applicable requirements of RSA 483-B and N.H. Code of Administrative Rules Env-Wq 1400 during and after construction.
6. This permit does not authorize the removal of any vegetation within the waterfront buffer.
7. Work shall be carried out in a time and manner to avoid disturbances to migratory waterfowl breeding and nesting areas.
8. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
9. All construction-related debris shall be placed outside of the areas subject to RSA 482-A.
10. Only those structures shown on the approved plans shall be installed or constructed along this frontage.
11. The repairs shall maintain the size, location, and configuration of the pre-existing structures.
12. This permit does not allow dredging for any purpose.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location, or configuration of the structures.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2017-00305

HOLMES, PHILLIP

WEARE Unnamed Wetland

Requested Action:

Dredge and fill 238 square feet (SF) of palustrine forested wetland to install a 38 foot x 18 inch culvert and associated fill to permit vehicular access to a single family residential building lot.

APPROVE PERMIT

Dredge and fill 238 square feet (SF) of palustrine forested wetland to install a 38 foot x 18 inch culvert and associated fill to permit vehicular access to a single family residential building lot.

02/20/2017 to 02/26/2017

With Conditions:

1. All work shall be in accordance with plans by Arthur F. Siciliano Jr. dated November 2016, and revised through December 22, 2016 as received by the NH Department of Environmental Services (DES) on January 27, 2017.
2. All work conducted in the vernal pool area shall be done outside of the anticipated vernal pool breeding season (March 1st to May 1st), during low flow and in the dry only
3. During amphibian migration periods, measures will be maintained to facilitate unencumbered amphibian access to and from the potential vernal pool.
4. The channel at the culvert inlet and outlet must maintain natural and consistent hydrology, not impede flow and not to drain the vernal pool wetland.
5. Proper headwalls shall be constructed within seven days of culvert installation.
6. No person shall collect, transport, import, export, move, buy, sell, distribute, propagate or transplant any living and viable portion of any plant, which includes all of their cultivars and varieties listed in Table 3800.1 of the New Hampshire prohibited invasive species list (Agr 3802.01).
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tackifiers on slopes less than 3:1 or netting and pinning on slopes steeper than 3:1.
8. Erosion and sedimentation control best management practices shall be installed and maintained as necessary to protect water quality of the potential vernal pool and will be promptly removed upon final stabilization of the area.
9. Where construction activities occur between November 30 and May 1, all exposed soil areas shall be stabilized within 1 day of establishing the grade that is final or that otherwise will exist for more than 5 days. Stabilization shall include placing 3-inches of base course gravels, or loaming and mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Appropriate siltation, erosion and turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.
11. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
12. All dredged and excavated material and construction-related debris shall be placed outside of the areas subject to RSA 482-A. Any spoil material deposited within 250 feet of any surface water shall comply with RSA-483-B.
13. The contractor responsible for completion of the work shall use techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
14. Erosion control products shall be installed per manufacturers recommended specifications.
15. The permittee's contractor shall maintain appropriate oil/diesel fuel spill kits on site that are readily accessible at all times during construction, and shall train each operator in the use of the kits.
16. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
17. Machinery shall be staged and refueled in upland areas only.
18. Faulty equipment shall be repaired immediately prior to entering areas that are subject to RSA 482-A jurisdiction.
19. Any fill used shall be clean sand, gravel, rock, or other suitable material and shall not include angular rip rap.

With Findings:

1. This is a Minimum Impact Project per Administrative Rule Env-Wt 303.04(z), installation of a wetland crossing and associated fill to permit vehicular access to a single family residential building lot.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has designed the driveway to cross the wetland at the narrowest location. This location is also at the upland margin of the wetland so as to not bisect hydrology or aquatic organism passage.
5. The impacted wetland has been identified as a vernal pool area. This permit is conditioned upon work occurring outside of the anticipated vernal pool breeding season and to protect against potential impediment of amphibian migratory pathways.
6. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
7. No comments of concern on the proposed project were received by DES from local governing organizations.
8. Abutters were notified in accordance with RSA 482-A:3, I, (d)(1) and New Hampshire Administrative Rule Env-Wt 501.01(c).
9. The proposed work will occur within 20 feet from the abutting property boundary. Authorization could not be obtained from the abutting property owner.
10. In accordance with New Hampshire Administrative Rule Env-Wt 204, Waivers, a request was received by DES to waive New Hampshire Administrative Rule Env-Wt 304.04, Setback from Property Lines.
11. Waiving the 20 foot setback requirement (permitting the project to occur within 20 feet of the abutting property) represents the least impacting alternative to the wetland, is not expected to have any adverse impact on the abutting property and is

consistent with the intent and purpose of the rule.

12. Within the waiver request received by DES on January 27, 2017, the applicant stated that no work is to occur on the abutting property, existing hydrology will not be adversely affected and drainage will be maintained away from the abutting property.

FORESTRY NOTIFICATION

2017-00438

FULLER, SHAREN

LACONIA

COMPLETE NOTIFICATION

Laconia Tax Map #13, Lot #16

2017-00510

PAYSON, CHRISTOPHER

BRADFORD

COMPLETE NOTIFICATION

Bradford Tax Map #4, Lot #5 and Tax Map #5, Lot #2

2017-00543

**BARTLETT IRREVOC TRUST, RUSSELL BARTLETT
DENORMANDIE, PHILLIP**

EPSOM Unnamed Stream

COMPLETE NOTIFICATION

Epson Tax Map R-13, Lot 36-1

UTILITY NOTIFICATION

2017-00542

CITY OF ROCHESTER

BARRINGTON BERRY'S RIVER

COMPLETE NOTIFICATION

Replace the 24" main pipe diverting water from Berry River with a 30" pipe via pipe bursting.

SHORELAND PERMIT

2016-03567

FISH, REBECCA

BARTLETT SACO RIVER

Requested Action:

Impact 9,707 square feet of protected shoreland in order to construct a new residential home with driveway, septic system and well.

APPROVE PERMIT

Impact 9,707 square feet of protected shoreland in order to construct a new residential home with driveway, septic system and well.

With Conditions:

1. All work shall be in accordance with revised plans by Ammonoosuc Survey Company, Inc. dated February 6, 2017 and received by the NH Department of Environmental Services (DES) on February 6, 2017.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into areas in which impacts have not been approved.
4. No more than 9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. Native vegetation within an area of at least 5,211 sq. ft. within the Natural Woodland Buffer located between 50 and 150 ft. landward of the reference line shall be retained in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.
11. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

2017-00239

KK & S DEVELOPMENT LLC

FREMONT EXETER RIVER

Requested Action:

Impact 3,901 sq. ft. of the protected shoreland in order to replace the existing house with a new house in the same footprint, construct a deck, and install a new septic system.

02/20/2017 to 02/26/2017

APPROVE PERMIT

Impact 3,901 sq. ft. of the protected shoreland in order to replace the existing house with a new house in the same footprint, construct a deck, and install a new septic system.

With Conditions:

1. All work shall be in accordance with plans by Blaisdell Survey, LLC dated February 15, 2017 and received by the NH Department of Environmental Services (DES) on February 23, 2017.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into areas in which impacts have not been approved.
4. This permit does not authorize the removal of trees or saplings within the waterfront buffer that would result in a tree and sapling point score below the minimum required per RSA 483-B:9, V, (a), (2), (D), (iv).
5. No more than 5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
6. Native vegetation within an area of at least 13,943 sq. ft. within the Natural Woodland Buffer located between 50 and 150 ft. landward of the reference line shall be retained in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.
11. No impacts to natural ground cover or native vegetation shall occur within the waterfront buffer.
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
14. This permit shall not be interpreted as acceptance or approval of any impact that will occur within wetlands jurisdiction regulated under RSA 482-A including all wetlands, surface waters and their banks, the tidal-buffer zone, and sand dunes. The owner is responsible for maintaining compliance with RSA 482-A and Administrative Rules Env-Wt 100 - 900 and obtaining any Wetland Impact Permit that may be required prior to construction, excavation or fill that will occur within Wetlands jurisdiction.
15. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2017-00253

PETERSEN, CHRISTINE/LEE

MOULTONBOROUGH LAKE WINNIPESAUKEE

Requested Action:

Impact 2,000 sq. ft. of protected shoreland in order to reconstruct the west wing of the existing residence, construct an addition, rebuild a 12 ft. long stone wall "in-kind" within the Waterfront Buffer, and replace the stepping stone walkway leading to the waterfront with a 4 ft. wide walkway.

APPROVE PERMIT

Impact 2,000 sq. ft. of protected shoreland in order to reconstruct the west wing of the existing residence, construct an addition, rebuild a 12 ft. long stone wall "in-kind" within the Waterfront Buffer, and replace the stepping stone walkway leading to the waterfront with a 4 ft. wide walkway.

02/20/2017 to 02/26/2017

With Conditions:

1. All work shall be in accordance with plans by Ames Associates dated December 19, 2017 and received by the NH Department of Environmental Services (DES) on January 31, 2017.
2. Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into areas in which impacts have not been approved.
3. No more than 37.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. Native vegetation within an area of at least 1,300 sq. ft. within the Natural Woodland Buffer located between 50 and 150 ft. landward of the reference line shall be retained in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. No impacts to natural ground cover shall occur within the waterfront buffer.
10. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
11. This permit shall not be interpreted as acceptance or approval of any impact that will occur within wetlands jurisdiction regulated under RSA 482-A including all wetlands, surface waters and their banks. The owner is responsible for maintaining compliance with RSA 482-A and Administrative Rules Env-Wt 100 - 900 and obtaining any Wetland Impact Permit that may be required prior to construction, excavation or fill that will occur within Wetlands jurisdiction.
12. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2017-00276

MAHIDASHTI, MAHNAZ

TUFTONBORO LAKE WINNIPESAUKEE

Requested Action:

Impact 2,181 sq. ft. of protected shoreland in order to demolish existing cottage and construct a new cottage further from the reference line.

APPROVE PERMIT

Impact 2,181 sq. ft. of protected shoreland in order to demolish existing cottage and construct a new cottage further from the reference line.

With Conditions:

1. All work shall be in accordance with plans by Varney Engineering, LLC dated January 12, 2017 and received by the NH Department of Environmental Services (DES) on January 24, 2017.
2. Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into areas in which impacts have not been approved.
3. This permit does not authorize the removal of trees or saplings within the waterfront buffer that would result in a tree and sapling point score below the minimum required per RSA 483-B:9, V, (a), (2), (D), (iv).
4. No more than 10% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. Native vegetation within an area of at least 3,412 sq. ft. within the Natural Woodland Buffer located between 50 and 150 ft. landward of the reference line shall be retained in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project,

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and remain in place until all disturbed surfaces are stabilized.

7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700.

9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

10. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

11. This permit shall not be interpreted as acceptance or approval of any impact that will occur within wetlands jurisdiction regulated under RSA 482-A including all wetlands, surface waters and their banks, the tidal-buffer zone, and sand dunes. The owner is responsible for maintaining compliance with RSA 482-A and Administrative Rules Env-Wt 100 - 900 and obtaining any Wetland Impact Permit that may be required prior to construction, excavation or fill that will occur within Wetlands jurisdiction.

12. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2017-00314

POOLE, CHRISTOPHER

WASHINGTON HIGHLAND LAKE

Requested Action:

Impact 1,790 sq. ft. of protected shoreland to remove a permanent camper and patio and construct a residential structure with a foundation.

APPROVE PERMIT

Impact 1,790 sq. ft. of protected shoreland to remove a permanent camper and patio and construct a residential structure with a foundation.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services dated January 4, 2017 and received by the NH Department of Environmental Services (DES) on January 27, 2017.
2. Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into areas in which impacts have not been approved.
3. No more than 16.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. No impacts to natural ground cover or native vegetation shall occur within the waterfront buffer.
6. No native vegetation shall be removed from within the Natural Woodland Buffer located between 50 and 150 ft. landward of the reference line in order to comply with RSA 483-B:9, V, (b), (2).
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
12. This permit shall not be interpreted as acceptance or approval of any impact that will occur within wetlands jurisdiction regulated under RSA 482-A including all wetlands, surface waters and their banks. The owner is responsible for maintaining

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compliance with RSA 482-A and Administrative Rules Env-Wt 100 - 900 and obtaining any Wetland Impact Permit that may be required prior to construction, excavation or fill that will occur within Wetlands jurisdiction.

2017-00321

CHARABATI, MARIE/WAHIB

SALEM CANOBIE LAKE

Requested Action:

Impact 9,000 sq. ft. of protected shoreland in order to raze existing dwelling and shed and construct new dwelling with porch and garage further from the reference line.

APPROVE PERMIT

Impact 9,000 sq. ft. of protected shoreland in order to raze existing dwelling and shed and construct new dwelling with porch and garage further from the reference line.

With Conditions:

1. All work shall be in accordance with plans by SFC Engineering dated November 16, 2017 and received by the NH Department of Environmental Services (DES) on January 30, 2017.
2. Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into areas in which impacts have not been approved.
3. No more than 42.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
10. This permit shall not be interpreted as acceptance or approval of any impact that will occur within wetlands jurisdiction regulated under RSA 482-A including all wetlands, surface waters and their banks, the tidal-buffer zone, and sand dunes. The owner is responsible for maintaining compliance with RSA 482-A and Administrative Rules Env-Wt 100 - 900 and obtaining any Wetland Impact Permit that may be required prior to construction, excavation or fill that will occur within Wetlands jurisdiction.
11. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2017-00327

VAN DYKE, JARED

RINDGE VAN DYKE DAM

Requested Action:

Impact 21,680 sq. ft. of protected shoreland in order to construct a single family home, porch, deck, walkway, driveway, install a septic system, and conduct landscaping.

APPROVE PERMIT

Impact 21,680 sq. ft. of protected shoreland in order to construct a single family home, porch, deck, walkway, driveway, install a septic system, and conduct landscaping.

With Conditions:

1. All work shall be in accordance with plans by Higher Design, PLLC dated December 28, 2016 and received by the NH Department of Environmental Services (DES) on January 30, 2017.
2. Neither the new primary structure nor the proposed septic system may be constructed until the system is approved by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into areas in which impacts have not been approved.
4. No more than 8.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. Native vegetation within an area of at least 8,318 sq. ft. within the Natural Woodland Buffer located between 50 and 150 ft. landward of the reference line shall be retained in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. No impacts to natural ground cover or native vegetation shall occur within the waterfront buffer.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
13. This permit shall not be interpreted as acceptance or approval of any impact that will occur within wetlands jurisdiction regulated under RSA 482-A including all wetlands, surface waters, and their banks. The owner is responsible for maintaining compliance with RSA 482-A and Administrative Rules Env-Wt 100 - 900 and obtaining any Wetland Impact Permit that may be required prior to construction, excavation or fill that will occur within Wetlands jurisdiction.

2017-00339

GOULET, KATHLEEN/MATTHEW

DERRY BIG ISLAND POND

Requested Action:

Impact 4,200 square feet of protected shoreland in order to construct a garage to be attached to the existing residence, install stormwater infiltration trenches, and relocate a shed and driveway.

APPROVE PERMIT

Impact 4,200 square feet of protected shoreland in order to construct a garage to be attached to the existing residence, install stormwater infiltration trenches, and relocate a shed and driveway.

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With Conditions:

1. All work shall be in accordance with plans by Benchmark Engineering, Inc. dated October 12, 2016 and received by the NH Department of Environmental Services (DES) on February 6, 2017.
2. Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into areas in which impacts have not been approved.
3. No more than 31.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. The proposed infiltration trenches shall be installed and maintained to effectively absorb and infiltrate stormwater.
9. Photographs documenting the construction of the proposed infiltration trenches shall be submitted to the Department prior to any party taking up occupancy of the addition to the residential primary structure.
10. All pervious technologies used shall be installed and maintained to effectively absorb and infiltrate stormwater.
11. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
12. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2017-00359

OBRIEN, SCOTT

WINDHAM COBBETT'S POND

Requested Action:

Impact 5,418 square feet of protected shoreland in order to raze an existing primary structure, construct a new primary structure, install a septic system, and conduct other site improvements.

APPROVE PERMIT

Impact 5,418 square feet of protected shoreland in order to raze an existing primary structure, construct a new primary structure, install a septic system, and conduct other site improvements.

With Conditions:

1. All work shall be in accordance with plans by Benchmark Engineering, Inc. dated September 1, 2016 and received by the NH Department of Environmental Services (DES) on February 1, 2017.
2. Neither the new primary structure nor the proposed septic system may be constructed until the system is approved by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into areas in which impacts have not been approved.
4. No more than 42.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700.

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- 8 Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
10. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2017-00375

CAPONE, MARK/HEIDI

TUFTONBORO LAKE WINNIPESAUKEE

Requested Action:

Impact 975 square feet of protected shoreland in order to construct 2 bedroom cottage on sono-tubes.

APPROVE PERMIT

Impact 975 square feet of protected shoreland in order to construct 2 bedroom cottage on sono-tubes.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design & Construction Management dated January 16, 2017 and received by the NH Department of Environmental Services (DES) on February 2, 2017.
2. Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into areas in which impacts have not been approved.
3. No more than 8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. Native vegetation within an area of at least 1,529 sq. ft. within the Natural Woodland Buffer located between 50 and 150 ft. landward of the reference line shall be retained in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
10. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.